

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

SEPTEMBER 27, 2022

Hawke called the meeting to order at 3:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Police Chief Brink, Fire Chief Berczik, and Public Works Director Rohn were also in attendance.

A work session was held to discuss the 2023 Amphitheater Calendar.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Conditional Hire Candidate Dismissal.

3-0 yes

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment/Employment/Compensation) – Captain Promotion.

3-0 yes

Hawke moved and Thomas seconded a motion to go into Executive Session to consider confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance the information is directly related to a request for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

3-0 yes

Hawke moved and Thomas seconded a motion to go into Executive Session to consider the sale and purchase of property for public purposes the premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

3-0 yes

Hawke called the General Session to order at 5:01 p.m. He requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Public Speaks - None

Administration Department

RESOLUTION 22-228 ATTACHED

FULL-TIME RECEPTIONIST / SECRETARY (SECRETARY 2)

Hawke moved and Thomas seconded a motion that we hereby authorize the hiring of Shelby E. Curlutu to the full-time position of Receptionist/Secretary (Secretary 2) for the Jackson Township

Administration Department, effective September 29, 2022 at 0800 hours, at the Secretary 2 Start Rate (\$19.3232 per hour) as set forth in the Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council, Inc., Office and Clerical Employees.

Be it further resolved that Shelby E. Curlutu shall complete a probationary period of seven hundred thirty (730) days during which time she may be terminated without cause by the Board of Trustees.

3-0 yes

ATTACHMENT 09/27/22 A

Hawke moved and Thomas seconded a motion to authorize the early closure of the Jackson Township Yard Debris-Waste Site on Saturday, October 22, 2022 at 6:00 p.m., for the Haunted Hayride.

3-0 yes

Public Works Department

Highway Division

**RESOLUTION 22-229 ATTACHED
PROMWAY AVENUE STOP SIGNS**

Hawke moved and Thomas seconded a motion that whereas, stop signs already exist at the intersection of Millwood Street NW, and Promway Avenue NW; and,

Whereas, the Jackson Township Public Works Director is recommending converting the two-way stop intersection of Promway Avenue NW and Millwood Street NW to a four-way stop intersection.

Be it resolved that pursuant to Ohio Revised Code 4511.65, we hereby adopt and authorize the placement of stop signs, creating a four-way stop intersection at:

1. Promway Avenue NW to stop northbound at Millwood Street NW (sign to be placed on the southeast corner of Promway Avenue NW and Millwood Street NW).
2. Promway Avenue NW to stop southbound at Millwood Street NW (sign to be placed on the northwest corner of Promway Avenue NW and Millwood Street NW)

3-0 yes

**RESOLUTION 22-230 ATTACHED
NO TRUCK TRAFFIC SIGN**

Hawke moved and Thomas seconded a motion that pursuant to Ohio Revised Code 4511.65, we hereby adopt and authorize the placement of a No Truck Traffic sign at the intersection of:

1. Millwood Street NW and Promway Avenue NW for eastbound traffic. Sign to be placed on the southwest corner of Millwood Street NW and Promway Avenue NW, on existing post for the existing stop sign at said corner.

3-0 yes

Park Division

ATTACHMENT 09/27/22 B

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 316.510.5387, Discretionary – Park, to account code 316.510.5669, Capital Improvements – Park, in the amount of \$18,664.00.

3-0 yes

Central Maintenance Division

ATTACHMENT 09/27/22 C

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 101.115.5387, Discretionary – CM, to account code 101.115.5652, Capital Equipment - CM, in the amount of \$10,500.00.

3-0 yes

Fire Department

RESOLUTION 22-231 ATTACHED

FIRE DEPARTMENT FULL-TIME SECRETARY 2

Hawke moved and Thomas seconded a motion that we hereby authorize the hiring of Lindsey A. Johnston to the full-time position of Secretary 2 for the Jackson Township Fire Department, effective October 3, 2022 at 0800 hours, at the Secretary 2 Start Rate (\$19.3232 per hour) as set forth in the Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council, Inc., Office and Clerical Employees.

Be it further resolved that Lindsey A. Johnston shall complete a probationary period of seven hundred thirty (730) days during which time she may be terminated without cause by the Board of Trustees.

3-0 yes

Zoning and Planning Department

ATTACHMENT 09/27/22 D

Hawke moved and Thomas seconded a motion that pursuant to an electronic mail request dated September 15, 2022, the applicant seeks a continuance of the zoning amendment hearings for zoning amendment request 2022325 from September 27, 2022, to October 11, 2022 at 5:30 p.m.

3-0 yes

Hawke moved and Thomas seconded a motion to set a public hearing for Zoning Amendment 2022511 on October 11, 2022, at 5:30 p.m. – Benjamin Hargest, 3755 Boettler Oaks Dr., Suite G, Uniontown, OH 44685, agent for ABC TGAB LLC, property owner, 1247 Medina Rd., Medina, OH 44256, proposed to rezone Parcel No. 10013035 Fulton, consisting of approximately 1.36 acres located on the southeast corner of Fulton and Belden Greens from B-3 Commercial Business District to I-1 Industrial District, Section 25NW, Jackson Township.

3-0 yes

ATTACHMENT 09/27/22 E

Hawke moved and Thomas seconded a motion to submit a notice to the County Auditor for fees and expenses for abatement of a nuisance at 7522 Wales Ave NW, Jackson Township, OH 44720, Parcel No. 1629761.

3-0 yes

RESOLUTION 22-232 ATTACHED

NOXIOUS WEEDS - 7537 SOUTHRIDGE CIRCLE NW, LOT 32 IN SHADOW RIDGE, PARCEL NO. 10009251, 5733 RIDGECOURT STREET NW, LOT 37 IN SHADOW RIDGE, PARCEL NO. 10009259, AND 5708 SHADOW RIDGE CIRCLE NW, LOT 42 IN SHADOW RIDGE, PARCEL NO. 10009264, JACKSON TOWNSHIP, OHIO

Hawke moved and Thomas seconded a motion that whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Smith Development Corporation in Jackson Township and described as follows: 7537 Southridge Circle NW, Lot 32 in Shadow Ridge, Parcel No. 10009251, 5733 Ridgescourt Street NW, Lot 37 in Shadow Ridge, Parcel No. 10009259, and 5708 Shadow Ridge Circle NW, Lot 42 in Shadow Ridge, Parcel No. 10009264, Jackson Township, Ohio.

Be it resolved that said Smith Development Corporation, whose tax mailing address is 6360 Promler Avenue NW, North Canton, OH 44720, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until October 31, 2021. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

RESOLUTION 22-233 ATTACHED

NOXIOUS WEEDS - 4310 SKYCREST DRIVE NW, LOT 118 IN DEVONSHIRE HEIGHTS 5, PARCEL NO. 1606792, JACKSON TOWNSHIP, OHIO

Hawke moved and Thomas seconded a motion that whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Heather Grimes in Jackson Township and described as follows: 4310 Skycrest Drive NW, Lot 118 in Devonshire Heights 5, Parcel No. 1606792, Jackson Township, Ohio.

Be it resolved that said Heather Grimes, whose tax mailing address is Core Logic, 3001 Hackberry Road, Irving, TX 75063-0156, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until October 31, 2021. If the owner fails to meet this obligation within the five-

day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

5:00 Public Hearing

Removal of Structures Pursuant to ORC 505.86 at 7811 Parkford St. NW, (Jackson Township) Massillon, OH 4464-1558, and further identified as Auditor's Tax ID Parcel No. 1602131, is owned of record by Jeffrey S. Diamond and Geraldine A. Diamond.

Vaccaro began by asking Mr. Diamond if he consented to removal of the structures to which he replied "No.". Therefore, the hearing continued.

See Court Recorder's Transcript of the hearing.

RESOLUTION 22-234 ATTACHED

REMOVAL OF STRUCTURES PURSUANT TO OHIO REVISED CODE SECTION 505.86 – ORDER TO REMOVE STRUCTURES DECLARED TO BE IN A CONDITION DANGEROUS TO LIFE OR HEALTH AND UNFIT FOR HUMAN HABITATION

Thomas moved and Hawke seconded a motion that whereas, Section 505.86 of the Ohio Revised Code (the "Statute") provides that a board of township trustees may provide for the removal, repair or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the township or by the county building department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or of buildings or other structures that have been declared to be in a condition dangerous to life or health, or unfit for human habitation by the board of health of the general health district of which the township is a part; and

Whereas, the real property located at 7811 Parkford St., NW, (Jackson Township) Massillon, OH 44646-1558, and further identified as Auditor's Tax ID Parcel No. 1602131 (the "Property") (Exhibit A), is owned of record by Jeffery S. Diamond and Geraldine A. Diamond, (collectively, the "Owner"), who reside at 6560 Youngdale Ave., N.W., Canton OH 44718; and

Whereas, the real property located at 7811 Parkford St., NW, (Jackson Township) Massillon, OH 44646-1558, and further identified as Auditor's Tax ID Parcel No. 1602131 (the "Property"), is mortgaged (Instrument No. 2002032500023700, Stark County Records) by Sovereign Bank whose corporate headquarters is located at 1130 Berkshire Blvd., Reading, PA, 19610; and,

Whereas, the Board passed Resolution 22-198 with respect to the Property and the removal of the house, garage (the "Structures") and other unsafe personal property on the Property and provided notice as prescribed by the Statute to each party in interest, and published notice dated September 11, 2022, as prescribed by the Statute to inform those parties in interest whose addresses were unknown, of the Board's intention with respect to the removal of Structures on the Property giving said parties in interest at least thirty (30) days' notice of such removal of Structures and informing

the parties in interest that each such party is entitled to a hearing if the party in interest requests a hearing in writing, addressed to the Fiscal Officer, within twenty days after the notice was mailed; and,

Whereas, the Board passed Resolution 22-219 (Exhibit B) with respect to the Property in which each party interest and perfected services was listed as follows:

1. Jeffery S. Diamond: Personally served on September 6, 2022
2. Geraldine A. Diamond: Publication on September 11, 2022
3. Stark County Auditor: Certified mail, return receipt signed on August 12, 2022.
4. Stark County Treasurer: Certified mail, return receipt signed on August 15, 2022.
5. Sovereign Bank: Certified mail, return receipt signed; and,

Whereas, the Board passed Resolution 22-219 (Exhibit B) with respect to the Property in which acknowledged Jeffery S. Diamond did issue an email to the elected officials of Jackson Township requesting a hearing within the thirty (30) day statutory period; and,

Whereas, the Board passed Resolution 22-219 (Exhibit B) with respect to the Property in which this Board, by mutual written agreement, set a hearing for September 27, 2022 at 5:00 p.m. at the Jackson Township Administration Building located at 5735 Wales Ave., N.W., Massillon, Ohio 44646; and,

Now, therefore, be it resolved by the Board of Township Trustees of Jackson Township, Stark County, Ohio, as follows:

1. Service of Notice was perfected upon all parties in interest as passed contain in Resolution 22-219 (Exhibit B)(See ORC 505.86(B).
2. The Notice to all parties of interest stated the Board of Trustees intended to pursue an action to remove an insecure, unsafe and/or structurally defective building and other structures to include personal property on the real estate described Exhibit A.
3. One party of interest, Jeffery S. Diamond (AKA Jeffrey S. Diamond) requested a hearing in writing (email) within twenty days after being personally served with the Service of Noticed required by ORC 505.86(B).
4. By mutual agreement, and in writing, Jeffery S. Diamond (AKA Jeffrey S. Diamond), and the Board of Trustees agreed to set the hearing for Tuesday, September 27, 2022 at 5:00 p.m. (ORC 505.86(C)(2).
5. We find the house and garage and the buildings on the real estate described in Exhibit A (the "Structures") to be insecure, unsafe, and structurally defective, in a condition dangerous to life

and/or health and unfit for human habitation. Sufficient evidence exist to support the removal of all the Structures from the real estate.

6. We find there exist personal property on the real estate described in Exhibit A, which constitutes a nuisance and requires removal from the real property.
7. The Zoning Inspector shall arrange with a contractor to have the house and garage and the buildings on the real estate described in Exhibit A (the “Structures”) to be removed as soon as administratively possible. Likewise, the Zoning Inspector shall arrange to have the personal property on the real estate, which constitutes a nuisance to be removed and disposed of as soon as administratively possible.
8. The Fiscal Officer shall serve this Resolution on only those parties who requested a hearing and participated in hearing with notice to the party of interest of a Right to APPEAL pursuant to ORC 2506.01.
9. The Fiscal Officer shall certify the total costs, together with a proper description of the lands to the county auditor who shall place the costs upon the tax duplicate. The costs are a lien upon the lands from and after the date of entry. The costs shall be returned to the township and placed in the township's general fund.

Hawke – yes
Thomas - yes
Pizzino – yes

Fiscal Office

ATTACHMENT 09/27/22 F

Hawke moved and Thomas seconded a motion to pay the bills in the amount of \$1,490,487.20.

3-0 yes

ATTACHMENT 09/27/22 G

Hawke moved and Pizzino seconded a motion to approve the minutes of the September 13, 2022 Board of Trustees’ Meeting.

3-0 yes

ATTACHMENT 09/27/22 H

Hawke moved and Thomas seconded a motion to approve the appropriation transfer request from account code 241.111.5804, County Auditor Fees-TIF, to account code 241.111.5891, School Distribution-TIF, in the amount of \$1,381.46.

3-0 yes

ATTACHMENT 09/27/22 I

Hawke moved and Thomas seconded a motion to approve the following appropriation transfer for a total transfer of \$5,171.60.

FROM CODE	DESCRIPTION	TO CODE	DESCRIPTION	AMOUNT
150.110.5387	ARP Discretionary Fund	150.255.5110	Reg Salaries – Patrol	\$ 1,726.53
		150.255.5212	Pension ER – Patrol	\$ 312.50
		150.255.5214	Medicare Exp – Patrol	\$ 23.68
		150.250.5110	Reg Salaries – Police	\$ 324.94
		150.250.5212	Pension ER – Police	\$ 45.49
		150.250.5214	Medicare Exp – Police	\$ 4.25
		150.210.5110	Reg Salaries – Fire	\$ 2,208.21
		150.210.5210	Pension P/U – Fire	\$ 63.15
		150.510.5212	Pension ER – Fire	\$ 432.92
		150.210.5214	Medicare Exp - Fire	\$ 29.93
			TOTAL	\$ 5,171.60
				3-0 yes

ATTACHMENT 09/27/22 J

Hawke moved and Thomas seconded a motion to approve the Request for Additional Amended Certificate in the amount of \$2,135,584.15.

3-0 yes

ATTACHMENT 09/27/22 K

Hawke moved and Thomas seconded a motion to approve Supplemental Appropriations in the amount of \$2,135,584.15.

3-0 yes

RESOLUTION 22-235 ATTACHED

A RESOLUTION APPROVING AND ADOPTING THE EXTENSION OF AN ALTERNATIVE METHOD FOR APPORTIONING THE STARK COUNTY UNDIVIDED LOCAL GOVERNMENT FUND FOR 2023 THROUGH 2027; AND AUTHORIZING THE EXECUTION OF THE AGREEMENT

Hawke moved and Thomas seconded a motion that whereas, the Stark Council of Governments (SCOG) has represented the mutual interests of all Stark County political subdivisions in areas of health, safety and welfare such as the Crime Lab, METRO, fire safety programs and communications issues for over three decades; and

Whereas, SCOG has been funded and the county’s distribution of the state’s Undivided Local Government Funds allocated pursuant to an alternative formula agreement under Chapter 5747 of the Ohio Revised Code by a majority vote of SCOG’s membership from 1989 through 2022; and

Whereas, a meeting of the general membership of SCOG was held on September 6, 2022, for the purpose of reviewing a proposed, updated alternative formula agreement for the period of 2023 through 2027; and the SCOG general membership unanimously approved the formula to be presented to individual SCOG members for consideration and approval;

Now, therefore, be it resolved by the board of trustees of Jackson Township, Stark County, State of Ohio, that:

Pursuant to Section 5747.53 and Chapter 5747 of the Ohio Revised Code, which authorizes the County Budget Commission to apportion the Undivided Local Government Fund under an alternative method or on a formula basis, the Board of Trustees of Jackson Township hereby approves the Alternative Method for apportioning the Stark County Undivided Local Government Fund by means of the formula approved for consideration and approval by the SCOG General Membership on September 6, 2022 and attached to this resolution and noted as Exhibit A. Approval is further granted for the Stark County Budget Commission to apportion the 2023 through 2027 Stark County Undivided Local Government Funds according to the Alternative Method; and,

Be it further resolved, that the Fiscal Officer, as Clerk of this Board, is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this resolution, and is further authorized, in conjunction with the advice of additional Legal Counsel, to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this resolution, during or after the pendency or passage of this resolution. Corrected copies are to be sent to all official recipients; and,

Be it further resolved, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, October 11, 2022, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, October 20, 2022, 9:00 a.m., Jackson Township Hall
- **LOGIC**, October 6, 2022, 9:00 a.m., Jackson Safety Center, Chief's Conference Room
- **Zoning Meetings** – None Scheduled
- **Amphitheater Events** (www.jacksonamphitheater.com)
 - **Farmers Market**, Wednesdays, through September 28, 3:00 p.m. to 7:00 p.m.

Old Business – None

New Business

**RESOLUTION 22-236 ATTACHED
FIRE DEPARTMENT CAPTAIN APPOINTMENT**

Hawke moved and Thomas seconded a motion that pursuant to Step 6 of the Notice of Examination, ORC Section 505.38, and the Township’s Personnel Hiring Policy, we hereby appoint Robert V. Cline to the position of Full-Time Fire Department Captain, effective October 3, 2022 at 0800 hours, at the base Captain rate (\$28.3856 per hour) as set forth in the Negotiated Agreement with Jackson Township and the Jackson Township Professional Firefighters Local 2280, IAFF.

Be it further resolved that Robert V. Cline shall serve a 12 month probationary period.

3-0 yes

Public Speaks

Brandon, of 4316 Foxhaven Ave NW wanted to know what the Trustees do. Pizzino answered that they run the Township. Trustees are in charge of hiring personnel. Department Heads run the day-to-day operations and report to the Township Administrator. They also approve all budgets and spending of the Township’s money. Hawke added that even when a department wants to transfer money, it must get approved by the Trustees. The Department Heads will make hiring recommendations, but the Trustees make the final decision. There are also zoning changes and issues, like the public hearing earlier. The Trustees also determine the maintenance schedule of township roads. Pizzino explained that there are four elected officials that run the Township; three Trustees and the Fiscal Officer, Mr. Gonzalez. Gonzalez added that when they meet with people, they are meeting with at least half of the government, which makes for a very efficient way to get things done.

Jim Allman of 6915 Waltham St NW was under the impression the Trustees were going to be discussing the rezoning of a Hills & Dales property and he hadn’t heard anything. Hawke stated that Mr. Memmer requested an extension. The Trustees couldn’t post the extension until it was voted upon during this meeting, since the vote could’ve been denied. Therefore, Mr. Allman would’ve had no way of knowing the public hearing was moved. Vaccaro added that on October 11, 2022 during the rescheduled public hearing, there will not be discussion for or against the rezone, because that portion of the hearing already took place and is now closed. The discussion scheduled for October 11 is to discuss details of the plan.

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez

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BEFORE THE BOARD OF TRUSTEES OF
JACKSON TOWNSHIP, STARK COUNTY, OHIO

TRANSCRIPT OF PROCEEDINGS

The following Board of Trustees Meeting
was taken before me, the undersigned, Deanna Gleckler, a
Registered Professional Reporter, Certified Realtime
Reporter and Notary Public in and for the State of Ohio,
at the Jackson Township Zoning Offices, Jackson Township,
Ohio, on Tuesday, the 27th day of September 2022, at 5:09
p.m.

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APPEARANCES :

BOARD OF TRUSTEES

TODD J. HAWKE

JIM THOMAS

JOHN E. PIZZINO

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MR. VACCARO: We are prepared to have a hearing pursuant to 505.86 of the Ohio Revised code, seeking removal of structures at 7811 Parkford located in Jackson Township, Stark County, State of Ohio. Is Mr. --

MR. THOMAS: Diamond.

MR. VACCARO: I'm sorry?

MR. THOMAS: Diamond present?

MR. VACCARO: Mr. Diamond. Thank you for appearing. Do you wish to concede or consent, stipulate, use any of those words, to the removal of the structures?

MR. DIAMOND: No.

MR. VACCARO: You do not. Okay. We'll move forward with the hearing then. And Mr. Diamond, please step to the podium. I'm going to call you as my first witness as if on cross. Court reporter, would you please swear him in.

WHEREUPON,

JEFFERY S. DIAMOND,

who, after being first duly sworn,
testified as follows:

- 1 Q. Okay. Sir, I'm going to mark as Exhibit 1
2 Resolution 22-198. Sir, would you take that for a
3 moment for me, please, take a look at it. Have you
4 seen that packet before, Mr. Diamond?
- 5 A. Yes. Yes, I have.
- 6 Q. Mr. Diamond, is it fair to say that you were
7 served, first by certified mail, but you didn't
8 pick that up; is that accurate, from the post
9 office?
- 10 A. I was served by a policeman.
- 11 Q. Right. Correct. Eventually then a police officer
12 personally served you with that; is that accurate?
- 13 A. Yes.
- 14 Q. All right. And then subsequent to that you sent an
15 email to the elected officials requesting a
16 hearing; is that accurate?
- 17 A. True.
- 18 Q. And as part of that email exchange, I was copied in
19 on that, and my name being Michael Vaccaro.
- 20 A. Yeah, you sent me an email.
- 21 Q. Okay. Could I have Exhibit 1 back, please.
- 22 A. (Tendering document).
- 23 Q. Thank you. Appreciate it. And as part of that
24 email exchange between yourself and I, we mutually
25 agreed upon this hearing day, this hearing day

- 1 being September 27th at 5 p.m., is that accurate?
- 2 A. True.
- 3 Q. Okay. And as part of the packet in Exhibit 1
- 4 you've looked at, within that packet were a report
- 5 written by the Stark County Health Department and
- 6 the Fire Department; is that accurate?
- 7 A. Yeah, I believe so.
- 8 Q. You didn't look at them?
- 9 A. I looked at it. I believe you're right.
- 10 Q. Would you agree with me that the writing from the
- 11 Stark County Health Department found the house
- 12 there at 7811 Parkford to be unfit for human
- 13 habitation?
- 14 A. Nobody tries to habitate there.
- 15 Q. Why is that?
- 16 A. Because I don't.
- 17 Q. Because?
- 18 A. I just don't.
- 19 Q. Does it have running water?
- 20 A. Yes.
- 21 Q. Does it have electric?
- 22 A. Yes.
- 23 Q. So why does no one habitate there?
- 24 A. I use it for storage and I don't live there. I
- 25 don't want to live there right now.

1 Q. Okay. Do you think you could rent that on the
2 market?

3 A. I imagine so.

4 Q. In its current condition?

5 A. With some work.

6 Q. With some work, okay. Also attached to that
7 Exhibit 1 was a property description listed as
8 Exhibit A. Did you look at that property
9 description?

10 A. Are you talking about the legal description?

11 Q. Yes, sir.

12 A. Yes.

13 Q. And would you agree that matches the deed that's on
14 file in the Stark County Property --

15 A. I didn't check it, but I believe you.

16 Q. Okay. Did you take a look at the Fire Department's
17 written report on that?

18 A. I believe so.

19 Q. Okay. And you would agree with me in that report
20 they found it unsafe for human occupation?

21 A. Well, there's a lot of things I have inside. That
22 would be the reason I wouldn't occupy it. That
23 would be the main.

24 Q. Because of contents inside?

25 A. Sure. Sure. I've got stuff in there.

1 Q. You would occupy it with broken windows?

2 A. Those windows were recently broken, recently by
3 children in the neighborhood, I'm assuming. As a
4 matter of fact, I know, because the neighbors have
5 told me.

6 Q. All right. And the doors, you would occupy with
7 the wooden doors? And by wooden doors, they're
8 plywood; is that accurate?

9 A. There's plywood cover over one in the back. It's
10 like a cauldron.

11 Q. And real quick, just so I understand, when was the
12 last time anyone actually physically occupied the
13 home?

14 A. 2005, 2006.

15 Q. All right. Since that time you've used it solely
16 as storage?

17 A. Yeah.

18 Q. Okay. It's never been for rent?

19 A. No.

20 MR. VACCARO: Okay. No further questions
21 at this time. Thank you, Mr. Diamond. You may
22 have a seat.

23 MR. DIAMOND: Okay.

24 MR. VACCARO: Actually, Mr. Diamond, would
25 you reapproach, please.

1 BY MR. VACCARO:

2 Q. You also were served with Resolution 21-219 just
3 the other day, correct?

4 A. To be here?

5 Q. Yes.

6 A. If that's what it was, yes.

7 Q. Yes. That's the hearing date that we discussed,
8 and you received that, correct?

9 A. True.

10 MR. VACCARO: All right. Thank you.

11 That's all I have for you at this time.

12 MR. DIAMOND: Okay.

13 MR. VACCARO: Appreciate it. Next,

14 Inspector Tan. Thank you.

15 WHEREUPON,

16 DENNISON TAN,

17 who, after being first duly sworn,

18 testified as follows:

19 - - - - -

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21 COURT REPORTER: Would you state your full

22 name, please.

23 THE WITNESS: Full name, Denison Tan.

24 COURT REPORTER: Thank you.

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CROSS-EXAMINATION

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BY MR. VACCARO:

Q. Where are you currently employed, Inspector Tan?

A. Jackson Township Fire Department.

Q. What do you do for them?

A. I'm a fire and life safety inspector.

Q. Okay. How long have you been with the township?

A. Three years.

Q. And before you came to the township where did you work?

A. I worked for the Canton Health Department.

Q. What did you do there?

A. I investigated and inspected nuisance homes and properties.

Q. Okay. And how many years were you there?

A. Twelve years.

Q. All right. So combined you have over what, fifteen years experience in dealing with nuisance homes?

A. That's correct.

Q. And whatever issues related to that?

A. Yes.

Q. Fire, health and safety?

A. That's correct.

Q. Okay. Thank you. I'm going to show you what I've

- 1 marked as Exhibit 2. Would you take a look at
2 that.
- 3 A. Yes, sir.
- 4 Q. What is that exhibit, sir?
- 5 A. This is the residential structure at 7811 Parkford.
- 6 Q. Is that your report on that structure?
- 7 A. Yes, it is.
- 8 Q. You're the author of the report?
- 9 A. Yes, I am.
- 10 Q. Did you take the pictures that appear in that
11 report?
- 12 A. I did take the pictures.
- 13 Q. Okay. And was this the first time you've been to
14 this property?
- 15 A. At the time of this report, yes.
- 16 Q. Prior to this had you ever been to that property?
- 17 A. No, I have not.
- 18 Q. Okay. Very good. Overall you've made some
19 conclusions regarding the property. First of all,
20 was it secure?
- 21 A. It was not secure at the time of my visit on the
22 25th.
- 23 Q. And just so we're clear, the 25th of what month?
- 24 A. Of July.
- 25 Q. Of what year?

- 1 A. 2022.
- 2 Q. All right. And what else did you notice at the
3 home? Just kind of give us your overall view of
4 the home.
- 5 A. When I was on the property I observed unsecured
6 entry and access points to the home. Trash,
7 rubbish and debris, broken windows, cracked
8 structure. The back wall was cracked. The
9 foundation, seemed to be some water intrusion into
10 the home.
- 11 Q. Okay. And as part of your report did you come to
12 some conclusions about life, health and safety
13 there?
- 14 A. Yes. Since it was unsecured and vacant at the
15 time, there's possible for unauthorized entry.
- 16 Q. Okay. And overall did you find the structure to be
17 dangerous to life?
- 18 A. Yes.
- 19 Q. Okay. And do you find the structure to be
20 defective based on your experience in this field?
- 21 A. That is correct, yes.
- 22 Q. All right. With respect to the Jackson Fire
23 Department, do they maintain a list of certain
24 structures in the township that if a fire broke out
25 they would not make entry to?

- 1 A. I think that's something we were working on, and
2 this would be one of the homes.
- 3 Q. Okay. So just generally, maybe I've already given
4 too much of a description of it, but if a fire
5 broke out there, the fire department would do what?
- 6 A. It would be defensive tactics.
- 7 Q. So that means stay on the outside of the home?
- 8 A. Yes.
- 9 Q. Because why?
- 10 A. Because it would be unsafe for our entry. We
11 wouldn't know if we'd be able to make it back out
12 safely.
- 13 Q. All right. And is that all part of your reasoning
14 for the structural defective finding in your
15 report?
- 16 A. Yes. Between that and it being unsecured and
17 easily accessible.
- 18 Q. All right. Do you have an opinion as to whether it
19 was habitable for life, human life?
- 20 A. My opinion would be that it would not be habitable
21 for human life.
- 22 Q. Okay. Any other problems you saw at the structure?
- 23 A. There's also a detached garage in the rear on the
24 north side of the building. It was also readily
25 accessible. Unsecured.

- 1 Q. Any structural issues with that?
- 2 A. Not that I noted, but I did see that there were
3 broken windows and broken doors and a partially
4 missing garage door.
- 5 Q. Okay. Have you revisited the home since you wrote
6 this report?
- 7 A. I have. I visited on September 22nd of 2022.
- 8 Q. And did you find anything changed with respect to
9 the structure?
- 10 A. The structure was the same, but I did notice that
11 the storm door to the lower level was moved and
12 open.
- 13 Q. Okay. When I say structure, I'm referring both to
14 the house and the detached garage. Does your
15 answer change at all that you just gave?
- 16 A. Correct. It has not changed. It's still in the
17 same poor condition.
- 18 Q. Okay. would you recommend to the township that the
19 structure be raised, or essentially torn down and
20 removed from the lot?
- 21 A. I would recommend that it be raised, yes.
- 22 Q. All right. while you were there were any animals
23 coming in and out of the home that you noticed?
- 24 A. Not that I noticed at that time.
- 25 Q. Okay. was the home accessible to birds, squirrels?

1 A. Yes.

2 Q. Okay. I note that it still had power?

3 A. I did see an electrical meter on the southeast
4 corner. On July 25, 2022 it was present, and on my
5 visit on September 22nd of 2022 it was still there
6 with the same numbers on it. So there is power
7 going to it.

8 Q. Okay. Is there anything I failed to ask about your
9 observations or this report that you think is key
10 for the board to know as they are the panel that
11 will make the decision?

12 A. I believe the description is sufficient.

13 Q. Okay. Have you had interaction with Mr. Diamond
14 about how best to handle the property or has he
15 requested to talk to you about that?

16 A. No, I have not.

17 MR. VACCARO: Okay. Thank you, Inspector
18 Tan. I have no further questions at this time.

19 MR. TAN: Thank you.

20 MR. VACCARO: Next I'll call Michael
21 Hesson.

22 WHEREUPON,

23 MICHAEL HESSON,

24 who, after being first duly sworn,

25 testified as follows:

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COURT REPORTER: would you please state
your full name.

MR. HESSON: Michael Hesson.

COURT REPORTER: Spell your last name.

MR. HESSON: H-E-S-S-O-N.

COURT REPORTER: Thank you.

CROSS-EXAMINATION

BY MR. VACCARO:

Q. How long have you been with the Health Department,
Mr. Hesson?

A. I've been with the Health Department for seven
years, sir.

Q. Okay. What's your position there?

A. I am a registered environmental health specialist
with the Stark County Health Department.

Q. I'm sorry. Say that again.

A. With the Stark County Health Department.
Registered environmental health specialist.

Q. Okay. Break that down for me. What's that mean in
common speak?

A. I am one of the inspectors that go out and
specifically look at nuisance properties regarding

1 opened and unsecured homes, stuff of that nature.
2 Rodents, any kind of vectors that would transmit
3 disease.

4 Q. Okay. Excellent. With that said, the Stark County
5 Health Department is a district health department;
6 is that accurate?

7 A. County Health Department, yes, sir.

8 Q. Okay. And Jackson Township is a community that the
9 county health department services?

10 A. Yes, sir.

11 Q. Okay. And just so we're clear, Jackson Township is
12 in Stark County, Ohio?

13 A. Yes.

14 Q. And on or about July 19th of 2022 did you have an
15 occasion, or an instance where you inspected 7811
16 Parkford Street, N.W. in Massillon, Ohio?

17 A. I believe my inspection was August 5th.

18 Q. Okay. Very good. And just so we're clear, that
19 property address I gave you is located within
20 Jackson Township, Stark county, Ohio?

21 A. Yes, sir.

22 Q. All right. Can you take us through what you saw
23 when you were there.

24 A. When I arrived at the property I knocked on the
25 door. There was no answer at the door. The house

1 appeared to be vacant. Proceeded to notice that
2 there were broken windows, other unsecured avenues
3 for any kind of vector to gain access. In my
4 photos I believe I sent to the zoning inspector,
5 again, I believe that showed that as well.

6 Q. Okay. When you say vectors, what does that mean?

7 A. Any mice, rats, racoons, anything that can transmit
8 disease to the public.

9 Q. Did you see, physically with your own eyes while
10 there, did you see any of those animals moving in
11 and out about the home?

12 A. No, sir, I did not. Not at that time.

13 Q. Did you see any evidence that your training would
14 bring to light that shows that they are active
15 there?

16 A. I did not see any evidence, no, sir.

17 Q. Okay. Very good. Any signs that anyone was living
18 at the home?

19 A. No, sir.

20 Q. All right.

21 A. It appeared to be vacant at the time of inspection.

22 Q. All right. Did you look at the detached garage
23 area?

24 A. I noticed it when I was there, strictly because
25 just again, the broken windows, stuff like that,

- 1 but the only thing I can enforce in terms of a
2 structure is habitable space. So a detached garage
3 typically isn't something that I can address.
- 4 Q. On the top of that detached garage, this is my
5 assessment, appears to be some type of three-season
6 room; would you agree with that?
- 7 A. It appeared to have some type of room up top, but I
8 did not know exactly what it was because I did not
9 gain entrance into the house or the garage.
- 10 Q. Okay. What I'm going to call that three-season
11 room on top of the garage, did that appear to be
12 habitable space to you?
- 13 A. From what I seen at the time, based off that
14 letter, until those issues are addressed, I'll let
15 him know.
- 16 Q. Okay. You got ahead of me.
- 17 A. Oh, I'm sorry.
- 18 Q. Just speaking of that space, could that be
19 habitable?
- 20 A. At this time, no.
- 21 Q. Okay. In the past did it appear like it might have
22 been used that way?
- 23 A. It might have been, but --
- 24 Q. Can't say?
- 25 A. Yes, sir.

1 Q. All right. I'm going to show you what I've marked
2 as Exhibit 3, and I think you've kind of already
3 hit on this. Can you tell me what Exhibit 3 is.

4 A. This is the letter that I drafted for Mr. Kirk
5 Norris, the health commissioner, as well as the
6 posting that was posted I believe either on the
7 front door or right next to the front door of the
8 property on August 5th.

9 Q. All right. So let's break this down a little bit.
10 You drafted this letter which Kirk Norris signed,
11 correct?

12 A. Yes.

13 Q. Who is Kirk Norris?

14 A. He is the health commissioner for the Stark County
15 Health Department.

16 Q. All right. And he reviewed the case with you?

17 A. He reviewed my letter, yes.

18 Q. Okay. And what was your finding in terms of
19 habitability for the property?

20 A. At the time, based off of the unsecured, the
21 windows, doors, stuff like that, it would not be --
22 it would be something that would be deemed unfit
23 for human habitation.

24 Q. And then there's a second page to your letter,
25 correct?

- 1 A. Yes, sir.
- 2 Q. What is that?
- 3 A. Not necessarily a second page to the letter. This
4 is just something that we post on any property that
5 we deem unfit. It's just a notice for --
- 6 Q. The owner?
- 7 A. The owner, yeah. Pretty much just for the owner.
- 8 Q. Okay. And so was this actually tagged to the door
9 then?
- 10 A. Yes.
- 11 Q. Or to the side of the house or something?
- 12 A. To the door or to either side of the door, yes. I
13 always try to post it in one of the main routes of
14 entry.
- 15 Q. And could you just read the first four lines for
16 me, please, starting with notice, that would be
17 line one.
- 18 A. Notice. This structure is deemed as unfit for
19 human habitation.
- 20 Q. All right. And again, that was posted on the
21 property?
- 22 A. Yes, sir. On August 5, 2022.
- 23 Q. All right. By you?
- 24 A. Yes, sir, by me.
- 25 Q. All right. And with that said, have you revisited

1 the property since August 5th of 2022?

2 A. Yes, sir, I did.

3 Q. And when was that?

4 A. Today actually. It was around probably I'd say
5 2:00 on September 27th.

6 Q. And any changes you want to tell us about?

7 A. And actually, my supervisor, Randy, who is present,
8 we both went there today and Mr. Diamond was there
9 and we spoke with him.

10 Q. Okay.

11 A. But the home was still unsecured. It looks very
12 similar to what it did when I was there back on
13 August 5th.

14 Q. Did it have any change in its ability to be
15 habitated?

16 A. It's still unsecured, so we would still deem it
17 unfit. Mr. Diamond was in the process of working
18 on it, but, again, at the time it still would be
19 unfit at this time.

20 Q. Other than some things Mr. Diamond was doing, did
21 the property have any significant changes to being
22 worse or better?

23 A. It was about the same to my recollection.

24 Q. All right. Could I have that exhibit back.

25 A. Yes.

1 Q. Thank you. Is there anything else that I failed to
2 ask about that you want this panel to know, the
3 board to know, so they have that information for
4 their decision making?

5 A. Not anything that comes to mind, no, sir.

6 MR. VACCARO: Okay. No further questions
7 at this time.

8 MR. HESSON: Thank you, sir.

9 MR. VACCARO: Randy, would you come up,
10 take a stand for me.

11 MR. RUSZKOWSKI: Sure.

12 WHEREUPON,

13 RANDY RUSZKOWSKI,

14 who, after being first duly sworn,
15 testified as follows:

16 - - - - -

17
18 COURT REPORTER: would you state your full
19 name, please.

20 MR. RUSZKOWSKI: Randy Ruszkowski.

21 COURT REPORTER: Spell, please.

22 MR. RUSZKOWSKI: R-U-S-Z-K-O-W-S-K-I.

23 COURT REPORTER: Thank you.

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25 CROSS-EXAMINATION

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BY MR. VACCARO:

Q. And, Randy, where are you currently employed?

A. I am currently employed at the Stark County Health Department.

Q. What's your position there?

A. I am a unit manager.

Q. Okay. What's that mean for us?

A. I oversee a few programs, one of them being nuisance houses.

Q. Nuisance structures?

A. Yes.

Q. Okay. So Mr. Hesson's under your supervision?

A. Correct.

Q. All right. With respect to the property that we've been discussing, 7811 Parkford Street, Massillon, Ohio, have you been to that property before today?

A. Yes.

Q. How are you familiar with it?

A. I was notified by the township back in 2019, April 2nd, I believe it was, I was out there for the first time.

Q. And what did you do when you were out there?

A. I noticed that there was pretty much unfit for living conditions, so we did post it back in 2019

1 as well.

2 Q. Okay. And so when you say post, I'm going to show
3 you what I've marked as Exhibit 3.

4 A. Yes.

5 Q. Would you take that, please. Turn to the second
6 page, please. When you say post, is that what
7 you're referring to, that second page?

8 A. This notice, correct, yes.

9 Q. Okay. And that says unfit for human habitation?

10 A. Correct.

11 Q. All right. From 2019 to, by prior testimony, it's
12 my understanding you were out there today?

13 A. Correct.

14 Q. Property better, worse?

15 A. From what I can tell, it's a little worse. I mean,
16 it's been three years since I was originally out
17 there, so it's deteriorated even more so.

18 Q. Okay. Anything else about the property or the
19 process that you want us to know that would be
20 important for this panel or this board to
21 understand?

22 A. Well, from our perspective at the Health
23 Department, with what we can enforce and so forth,
24 basically our position is to prevent the spread of
25 disease, that being with, like Mike said, vector

1 entrance and all that. Vectors cause the spread of
2 disease. So that's our main focus is to secure
3 structures to prevent the harborage of such
4 critters.

5 Q. Okay.

6 A. I have a copy of the posting from 2019 if you would
7 like that.

8 Q. I would like that. Thank you. But don't walk
9 away, though, with my exhibit.

10 A. No, I'm not. Here's the one that was posted in
11 2019. (Tendering document).

12 Q. So you've handed me the 2019 posting. Real quick,
13 if you could take it, what I've marked, I've marked
14 it as Exhibit 4.

15 A. Okay.

16 Q. What's the date on that?

17 A. April 9, 2019.

18 MR. VACCARO: All right. Thank you. That
19 is all I need. Did you have a question?

20 MR. THOMAS: No.

21 MR. VACCARO: Thank you. No further
22 questions. Appreciate it. Real quick, I know
23 there's a resident in the audience. Did you want
24 to come up and testify or talk about the property?

25 MS. CALDWELL: Sure.

1 MR. VACCARO: All right. Your name's
2 Michelle Caldwell?

3 MS. CALDWELL: My name is Michelle
4 Caldwell.

5 COURT REPORTER: Would you raise your right
6 hand, please.

7 WHEREUPON,

8 MICHELLE CALDWELL,

9 who, after being first duly sworn,
10 testified as follows:

11 - - - - -

12
13 COURT REPORTER: Thank you.

14 MS. CALDWELL: My name is Michelle
15 Caldwell. I live at 7695 Parkford, so I'm down the
16 street from Mr. Diamond's property. I have lived
17 there for almost five years, but my family has been
18 there since the 70s. He's let this property go
19 for, well, probably since whatever he testified was
20 the last time someone lived there. It is always
21 in -- always has been in disrepair and several
22 times over the years I think the township has been
23 out there to have to mow the grass because it's not
24 taken care of, and I think he owes it to the
25 neighborhood to try to take care of it. He has

1 clearly abandoned it, and it's very much an
2 eyesore.

3 MR. VACCARO: Anything else you want the
4 board to know?

5 MS. CALDWELL: That's all I have to say.

6 MR. VACCARO: Thank you.

7 MS. CALDWELL: Thank you.

8 MR. THOMAS: Thank you.

9 MS. CALDWELL: Thank you. Appreciate it.

10 MR. VACCARO: Is there anyone else that's
11 here for this hearing that wanted to testify about
12 the residence, 7811 Parkford? Hearing none, I will
13 rest my side of the case.

14 MR. HAWKE: Mr. Diamond, any other evidence
15 or any other people you want to present?

16 MR. DIAMOND: Yes, what I'd like to say is
17 since I met Mr. -- Randy. I'm not sure about your
18 last name.

19 MR. RUSZKOWSKI: Ruszkowski. Randy's fine.

20 MR. DIAMOND: Yeah, things have gotten
21 worse. We've had broken windows. I think COVID
22 allowed for, you know, kids with a lot of time on
23 their hands to be there, and me less time to be
24 there. So I'm going to repair. As a matter of
25 fact, it's secure right now. Everything's secure.

1 You know, kids do break things, and another thing
2 I'm going to do as well is put Internet back in
3 there and put cameras up so I can get these kids
4 caught. So that's my plan. The windows are all
5 covered with material that cannot be broken now.
6 Door is locked tight. There's no going in or out
7 for anybody but me, and I do plan on taking care of
8 whatever kind of issues I need to take care of. My
9 family's owned this property since 1967. I have no
10 intentions of seeing it torn down, and I'll do what
11 I have to do. I grew up there, you know, I've
12 lived there all my young life, so I have great
13 interest in it. Have I had time to take care of
14 things the way I would like to have? Perhaps not.
15 But a lot of it was -- a lot of this damage has
16 taken place in the last three years, and I'd say
17 it's mostly due to what's been going on in the
18 world, but I do intend to bring the property back
19 up to a nice appearance.

20 MR. VACCARO: Anything else?

21 MR. DIAMOND: That's it.

22 MR. VACCARO: All right. You can have a
23 seat.

24 MR. DIAMOND: Okay.

25 MR. VACCARO: I have no rebuttal other than

1 just to make a quick statement to the panel and
2 then go ahead and proceed.

3 MR. HAWKE: Yes, sir.

4 MR. VACCARO: All right. In your packet
5 you'll see section 505.86 of the Ohio Revised Code,
6 and in particular, section B, but you've heard
7 testimony here today actually going back to 2019
8 that the house has been unfit for human habitation,
9 as determined by the General Health District, that
10 being the Stark County Health Department. In
11 addition, Inspector Tan indicated that he found the
12 structure to be defective, or structurally
13 defective I should say. And if there were a fire
14 there, the best that we'd do would take a defensive
15 posture on the outside.

16 At this time I believe I've met the burden
17 of proof here, and the board at this point has the
18 ability legally to order the removal of the
19 structures from the property and should do so. I
20 think Ms. Caldwell's testimony is fairly
21 compelling. She lives on the street in the last
22 five years, and the property just isn't advancing
23 towards a repaired state. That said, legally
24 speaking, you have 30 days to make a decision, and
25 then if the decision would be adverse to

1 Mr. Diamond, he has the ability to appeal that to
2 the Court of Common Pleas. Thank you. I have
3 nothing further.

4 MR. DIAMOND: Can I add one thing?

5 MR. VACCARO: I'm sorry?

6 MR. DIAMOND: May I add one thing?

7 MR. VACCARO: That's up to you, sir.

8 MR. HAWKE: Sure.

9 MR. DIAMOND: After Mr. Randy, what's your
10 name?

11 MR. RUSZKOWSKI: Ruszkowski.

12 MR. DIAMOND: Ruszkowski. I'm sorry. I
13 really am. After I met you out there in, I don't
14 know what month it was, but it was in 2019, you
15 sort of reversed your finding, correct?

16 MR. RUSZKOWSKI: No.

17 MR. DIAMOND: Okay.

18 MR. RUSZKOWSKI: I had deemed it unfit back
19 then.

20 MR. DIAMOND: Okay. Okay. As I said, if
21 what you feel made it unfit was open doors or
22 broken windows, that's been taken care of. That's
23 resolved.

24 MR. VACCARO: And I would just indicate to
25 the board, statutory, that's the issue of secure

1 versus unsecure. Unfit for habitation is much
2 broader than that, and actually structurally
3 defective. Again, coming from Inspector Tan, it's
4 his ability as the fire inspector to decide the
5 fire department for the jurisdiction to make that
6 determination.

7 MR. DIAMOND: Mr. Thomas came out there
8 today, and I walked him around and I showed him the
9 house was -- the main part of the house was built
10 in 1840. So the walls are two feet thick of
11 bricks. Nothing but bricks lined up. The
12 basement, the foundation is stone. It's absolutely
13 solid. It's not defective in any way. And what
14 somebody saw as a crack in the wall has been there
15 since we bought the property. It's been there
16 since I was a little tiny kid. So anything that's
17 there that I need to fix, I will repair. So if you
18 have any questions about that, please let me know,
19 and if there's anything that I can convince you
20 that I will do to make sure that this doesn't
21 happen, I will do it.

22 MR. PIZZINO: I've got a question.

23 MR. DIAMOND: Yes, sir.

24 MR. PIZZINO: You were asked many times
25 before to clean up that property and put it in the

1 condition that it needs to where you could either
2 rent it or sell it or whatever, and you never did
3 it. why are you going to do it now? I've been out
4 there, I've been a trustee for 20 years, and I've
5 been out there probably a half a dozen times at
6 least with the neighbors' complaints, with
7 Ms. Poindexter, she's not here, and what I see with
8 this house and what they're describing and what
9 I've seen six, eight, ten years ago, why are you
10 doing it now? why didn't you do it back then?
11 You're only using it, in my opinion, for a storage
12 building. You're never going to move in that
13 house. I mean, this has been since 2005 you've
14 been using it for storage and it's the same
15 pictures. If we go back in our files, the house
16 looks the same way it did ten or fifteen years ago.

17 MR. DIAMOND: Okay.

18 MR. PIZZINO: And it has to be getting
19 worse. It can't be getting better because you're
20 not doing nothing.

21 MR. DIAMOND: The only thing that got worse
22 with it was broken windows, and I'm a victim of
23 that.

24 MR. PIZZINO: How many times do you go out
25 and cut the grass out on that property? The

1 township ever go out and cut the grass?

2 MR. DIAMOND: Maybe once. Once that I know
3 of, yeah.

4 MR. PIZZINO: You know, I hear what you're
5 saying, but over the past fifteen or twenty years
6 you have done nothing to improve that property, and
7 it's not fair to the neighborhood. It is a
8 nuisance in my opinion, but I'm only one vote. I'm
9 just stating my opinion. And you've got good
10 neighbors out there, because I talked to them a
11 number of times, and we've tried to work with you a
12 number of times, but in my opinion, that's my
13 opinion. So I'll turn it over to Mr. Thomas and
14 Mr. Hawke.

15 MR. THOMAS: Yeah, based on what I saw
16 today and based on the inspector, I agree with him
17 and I find it unfit for habitation as well.

18 MR. DIAMOND: So if it's unfit today, does
19 that mean it can't be unfit tomorrow?

20 MR. THOMAS: But we can't really decide
21 about tomorrow. We can only make a decision based
22 on what's in front of us right now.

23 MR. DIAMOND: Well, I want some time in
24 order to make it fit if that's the definition I
25 need to do.

1 MR. HAWKE: I would say to you that
2 Mr. Pizzino just said you had ten years.

3 MR. PIZZINO: More than ten years.

4 MR. HAWKE: It becomes a matter of at some
5 point enough's enough, you know, we have to make a
6 decision. We have to finish this project. And
7 looking at the pictures, it's not one window. It's
8 many windows.

9 MR. DIAMOND: Yeah.

10 MR. HAWKE: It's multiple doors and you
11 keep saying you're a victim, but --

12 MR. DIAMOND: I said that once.

13 MR. HAWKE: well, whether you've said
14 victim once, but you've said other people did this
15 to your property.

16 MR. DIAMOND: Yes.

17 MR. HAWKE: To my knowledge, I don't
18 believe there's been a police report filed that
19 anything happened on the property. Chief, do you
20 know of anything?

21 CHIEF: I'm not aware of one.

22 MR. DIAMOND: I have had police out there
23 before. I mean, was there a report filed? I don't
24 know, but --

25 CHIEF: I would have to go back and look.

1 MR. DIAMOND: I've had the police out there
2 several times.

3 MR. HAWKE: But I mean, the thing about
4 that is, too, as well, there were multiple times
5 that we tried to contact you and you've not reached
6 back out to us. You've been served a number of
7 times, if I'm not mistaken.

8 MR. VACCARO: Yeah. We've had to send
9 officers out because the mail's not being picked
10 up.

11 MR. HAWKE: Right.

12 MR. VACCARO: It was certified mail. So
13 that puts us in the position to having to get you
14 served, and there's no better way than personal
15 service.

16 MR. HAWKE: Right.

17 MR. VACCARO: And we don't like to do that.
18 We try to send it certified mail, but, you know, we
19 get to a point we have to do that. And quite
20 frankly, in working as the law director, working
21 with the zoning inspector, you don't pick up your
22 mail when it's certified because most -- there
23 aren't a lot of good things that come certified
24 mail, and I realize that, but that's been my
25 experience since I've been with the township since

1 2013, you just haven't -- you don't pick up the
2 notices, you know, we're constantly on the chase,
3 either for mowing or nuisance.

4 MR. DIAMOND: Okay.

5 MR. VACCARO: I think the last nuisance we
6 did out there was just right before COVID I think
7 we were out there, because Chief Hogue was still
8 present, I believe it was his last year on the job.
9 Chief, when did you become fire chief?

10 FIRE CHIEF: A year and a half ago.

11 MR. VACCARO: Year and a half ago was
12 probably the last nuisance we did out there. And
13 the property, boats just sitting there not being
14 used, trailers. Anyone could get into that house.
15 Anyone can. It wouldn't take a lot of effort.
16 That's just been my experience.

17 MR. DIAMOND: Well, it will now. It will
18 now.

19 MR. VACCARO: I hope so.

20 MR. DIAMOND: Yeah.

21 MR. HAWKE: I mean, and I look at it, too,
22 I mean, you admit that you wouldn't habitate there
23 because you store things there.

24 MR. DIAMOND: Well, I have habitated there
25 and I will if I wanted to or had to, I would

1 habitate there.

2 MR. HAWKE: But you're --

3 MR. DIAMOND: I have electric, running
4 water.

5 MR. HAWKE: Your testimony earlier was, I
6 don't live there because of the things I have
7 stored in there.

8 MR. DIAMOND: Yeah, I have a lot of things
9 stored there, that's true.

10 MR. HAWKE: Okay.

11 MR. DIAMOND: I didn't realize that was a
12 crime.

13 MR. HAWKE: I'm just talking about safety
14 and security and those type of issues. That brings
15 up a lot of questions.

16 MR. DIAMOND: Okay.

17 MR. HAWKE: That's it.

18 MR. VACCARO: So, again, in terms of
19 procedure, the board can vote tonight on a
20 dismissal or removal, or the board can take it
21 under advisement for 30 days. The latest you could
22 go would be your meeting on October 24th, or you
23 could go October 11th with it.

24 MR. THOMAS: So what kind of resolution, or
25 what kind of resolution do we need to --

1 MR. HAWKE: I assume, Mr. Vaccaro, this is
2 the entire resolution to be read?

3 MR. VACCARO: I would, considering, yes, I
4 would, if you plan to go that way, yes.

5 MR. GONZALEZ: Might change your vote.

6 MR. HAWKE: Might change our vote.

7 MR. VACCARO: I would then open with the
8 headliner and put in the address and parcel and
9 then go to your findings, the resolution. Are you
10 following what I'm saying or not?

11 MR. PIZZINO: Starting with now therefore,
12 be it resolved by the Board of Township Trustees of
13 Jackson Township. You mean that part, Mr. Vaccaro?

14 MR. VACCARO: Yes.

15 MR. PIZZINO: Does anyone want to go out
16 and relook at the house, is there a need to do
17 that? I don't need to, but I don't know if anyone
18 does. I've been out there more times.

19 MR. THOMAS: I was there today. I don't
20 need to.

21 MR. HAWKE: I don't need to go out. Is
22 there any reason, or are you talking about us?

23 MR. PIZZINO: Yeah. I have no reason.

24 MR. HAWKE: No.

25 MR. THOMAS: So I would like to make a

1 motion that we adopt this resolution. And is there
2 a specific part where we can -- all right.

3 Whereas, the real property located at 7811 Parkford
4 Street, N.W., (Jackson Township) Massillon, Ohio,
5 44646-1558, and further identified as Auditor's Tax
6 ID Parcel Number 1602131 (the "Property") (Exhibit
7 A), is owned of record by Jeffery S. Diamond and
8 Geraldine A. Diamond, who reside at 6560 Youngdale
9 Avenue, N.W., Canton, Ohio, 44718. And as
10 attached --

11 MR. HAWKE: 1 through 9.

12 MR. VACCARO: Well, since he started.

13 MR. HAWKE: He started the motion.

14 MR. THOMAS: I'm going to keep going. Now,
15 therefore, be it resolved by the Board of Township
16 Trustees of Jackson Township, Stark County, Ohio as
17 follows: Number 1, Service of notice was perfected
18 upon all parties in interest as passed contain in
19 Resolution 22-219 (Exhibit B) See Ohio Revised Code
20 50.86 (B). Number 2, The notice to all parties of
21 interest stated the Board of Trustees intended to
22 pursue an action to remove an insecure, unsafe
23 and/or structurally defective building and other
24 structures to include personal property on the real
25 estate described in Exhibit A.

1 Number 3, One party of interest, Jeffery S.
2 Diamond, (AKA Jeffrey S. Diamond) requested a
3 hearing in writing by email within twenty days
4 after being personally served with the Service of
5 Noticed required by Ohio Revised Code Section 50.86
6 (B).

7 Number 4, By mutual agreement, and in
8 writing, Jeffery S. Diamond (AKA Jeffrey S.
9 Diamond), and the Board of Trustees agreed to set
10 the hearing for Tuesday, September 27, 2022 at 5:00
11 p.m., as required by Ohio Revised Code Section
12 50.86(C)(2).

13 Number 5, we find the house and garage and
14 the buildings on the real estate described in
15 Exhibit A (the "Structures") to be insecure,
16 unsafe, and structurally defective, in a condition
17 dangerous to life and/or health and unfit for human
18 habitation. Sufficient evidence exist to support
19 the removal of all the structures from the real
20 estate.

21 Number 6, We find there exist personal
22 property on the real estate described in Exhibit A,
23 which constitutes a nuisance and requires removal
24 from the real property.

25 Number 7, The Zoning Inspector shall

1 arrange with a contractor to have the house and
2 garage and the buildings on the real estate
3 described in Exhibit A (the "Structures") to be
4 removed as soon as administratively possible.
5 Likewise, the Zoning Inspector shall arrange to
6 have the personal property on the real estate,
7 which constitutes a nuisance to be removed and
8 disposed of as soon as administratively possible.

9 Number 8, The Fiscal Officer shall serve
10 this Resolution on only those parties who requested
11 a hearing and participated in hearing with notice
12 to the party of interest of a Right to Appeal
13 pursuant to Ohio Revised Code Section 2506.01.

14 Number 9, Fiscal Officer shall certify the
15 total costs, together with a proper description of
16 the lands to the county auditor who shall place the
17 costs upon the tax duplicate. The costs are a lien
18 upon the lands from and after the date of entry.
19 The costs shall be returned to the township and
20 placed in the township's general fund.

21 MR. VACCARO: I would ask that you amend
22 your motion for any time that you referenced 50.86
23 to 505.86.

24 MR. THOMAS: I amend my motion to change --
25 what was that, one more time?

1 MR. VACCARO: 50.86 to 505.86, and that's a
2 typo in the paperwork. You will get that
3 corrected.

4 MR. THOMAS: So I'd like to change the
5 motion. When I've spoken about Ohio Revised Code,
6 I'm changing it to 505.86 instead of 50.86.

7 MR. VACCARO: Yes, sir.

8 MR. GONZALEZ: Do we have a second?

9 MR. HAWKE: Second.

10 MR. GONZALEZ: Mr. Hawke?

11 MR. HAWKE: Yes.

12 MR. GONZALEZ: Mr. Thomas?

13 MR. THOMAS: Yes.

14 MR. GONZALEZ: Mr. Pizzino?

15 MR. PIZZINO: Yes.

16 MR. VACCARO: Thank you.

17 MR. HAWKE: Anything else there?

18 MR. VACCARO: That concludes that hearing.
19 I'm prepared to move forward with the remainder of
20 the agenda.

21

22 - - - - -

23 (Hearing concluded at 5:56)

24 - - - - -

25

C E R T I F I C A T E

STATE OF OHIO)

STARK COUNTY)

I, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within Hearing was by me reduced to Stenotypy and afterwards transcribed upon a computer, and that the foregoing is a true and correct transcription of the testimony so given by him as aforesaid.

I do certify that this Hearing was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Salem, Ohio on this 18th day of October, 2022.

DEANNA GLECKLER, RPR-CRR, Notary Public
My commission expires 1-6-25